

MAY 16 2005

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TO : UNITED STATES PATENT AND TRADEMARK  
OFFICE

COMPANY : COMMISSIONER FOR PATENTS AND  
TRADEMARKS  
EXAMINER: Yvonne Michele Horton  
ART UNIT: 3635

FAX NO. : (703) 872-9306

FROM : ALBERT WAI-KIT CHAN

DOCKET : LIN, et al., TWO-PLY FLOORING HAVING A  
CROSS-GRAIN BOTTOM PLY, U.S. Serial No.  
09/839,078, Filed April 20, 2001, claiming priority of  
Chinese Patent Application No. 00254152.1, filed October  
8, 2000 - OUR DKT. #746

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 8

DATE : May 16, 2005

\* IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON  
AS POSSIBLE TO (718) 357-8836.**Message****PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED CLAIM  
FOR FOREIGN PRIORITY UNDER 37 CFR § 1.55(c)**

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**Dkt. #746**

**MAY 16 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Lin, et al.  
U.S. Serial No. : 09/839,078  
Filing Date : April 20, 2001  
Examiner : Yvonne Michele Horton; Art Unit: 3635  
For : TWO-PLY FLOORING HAVING A CROSS-GRAIN  
BOTTOM PLY

Albert Wai-Kit Chan  
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May 16, 2005

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED CLAIM FOR  
FOREIGN PRIORITY UNDER 37 CFR § 1.55(c)**

The above-identified application was filed on April 20, 2001 and a claim of priority to Chinese patent application No. 00254152.1, filed October 8, 2000 was not included in the originally filed declaration. 37 CFR § 1.55(a)(1)(i) provides that "the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application." Accordingly, Applicants hereby petition the Commissioner to accept Applicants' unintentionally delayed claim of priority pursuant to 37 CFR § 1.55(c).

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Applicant(s) : Lin, et al.  
U.S. Serial No.: 09/839,078  
Filed : April 20, 2001  
Page : 2

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37 CFR § 1.55(c) provides:

A petition to accept a delayed claim for priority under 35 U.S.C. 119(a)-(d) ... must be accompanied by:

- (1) The claim under 35 U.S.C. 119(a)-(d) ... to the prior foreign application ...;
- (2) The surcharge set forth in [37 CFR] § 1.17(t); and
- (3) A statement that the entire delay between the date the claim was due ... and the date the claim was filed was unintentional.

In compliance with 37 CFR § 1.55(c), Applicants have included the claim to the foreign priority application, i.e., Chinese patent application No. 00254152.1, filed October 8, 2000, in the Application Data Sheet. A copy of the Application Data Sheet is attached herein as **Exhibit A**.

Applicants further authorize the Commissioner to charge the ONE THOUSAND THREE HUNDRED AND SEVENTY DOLLARS (\$1,370.00) surcharge for the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 119 to Deposit Account No. 50-1891.

Applicants further maintain that the entire delay between the date the claim was due under 37 CFR § 1.55(a)(1) and the date the claim was filed was unintentional.

#### Conclusion

Applicants respectfully maintain that the requirements set forth in 37 CFR § 1.55(c) have been satisfied. Accordingly, Applicants respectfully urge the Commissioner to grant Applicants' petition for unintentionally delayed claim of foreign priority. Once the petition is granted, Applicants are entitled to the priority of

Applicant(s) : Lin, et al.  
U.S. Serial No.: 09/839,078  
Filed : April 20, 2001  
Page : 3

Chinese patent application No. 00254152.1, filed October 8, 2000.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee other than the ONE THOUSAND THREE HUNDRED AND SEVENTY DOLLARS (\$1,370.00) for the surcharge for the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 119 is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai Kit Chan

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Alexandria, VA 22313-1450  
Fax No.: (703) 872-9306

on the date shown below.

Albert Wai Kit Chan

5/16/05

Albert Wai-Kit Chan Date  
Reg. No. 36,479

# EXHIBIT A

**Application Data Sheet****Application Information****RECEIVED  
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Application Type:: Regular  
Subject Matter:: Utility  
Suggested Classification:: None  
Suggested Group Art Unit:: 3635  
CD-ROM or CD-R? None  
Title:: Two-Ply Flooring Having A Cross-  
Grain Bottom Ply  
Attorney Docket Number:: 746  
Request for Early Publication?: No  
Request for Non-Publication?: No  
Suggested Drawing Figure:: 1  
Total Drawing Sheets:: 3  
Small Entity:: Yes  
Petition included?: Yes  
Petition Type:: Unintentional delayed claim of foreign priority  
Secrecy Order in Parent Appl.?: No

**Applicant Information**

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**Correspondence Information**

Correspondence Customer Number:: 33729

**Representative Information**

Representative Customer Number:	33729
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**Domestic Priority Information**

*[This application has no domestic priority claims]*

**Foreign Priority Information**

Country::	Application Number::	Filing Date::	Priority Claimed::
People's Republic of China	00254152.1	10/08/2000	Yes

**Assignee Information**

*[This application has no assignee data]*